

**MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES**

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

<b>Plaintiffs' Executive Committee for Personal Injury and Death Claims</b>	<b>Plaintiffs' Executive Committee for Commercial Claims</b>
Ronald L. Motley (1944-2013) Jodi Westbrook Flowers / Donald A. Migliori, <i>Co-Chairs</i> MOTLEY RICE LLC James P. Kreindler, <i>Co-Chair</i> KREINDLER & KREINDLER LLP	Stephen A. Cozen, <i>Co-Chair</i> Sean Carter, <i>Co-Chair</i> COZEN O'CONNOR
Andrew J. Maloney III, <i>Co-Liaison Counsel</i> KREINDLER & KREINDLER LLP Robert T. Haeefe, <i>Co-Liaison Counsel</i> MOTLEY RICE LLC	J. Scott Tarbutton, <i>Liaison Counsel</i> COZEN O'CONNOR

VIA ECF

January 4, 2019

The Honorable Sarah Netburn, U.S. Magistrate Judge  
United States District Court for the S.D.N.Y.  
Thurgood Marshall U.S. Courthouse, Room 430  
40 Foley Square  
New York, NY 10007

Re: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Netburn:

The Plaintiffs' Executive Committees ("PECs"), on behalf of all plaintiffs, write concerning the letter submitted this afternoon by the Department of Justice, ECF No. 4334, regarding the Standing Order staying "all civil cases (other than civil forfeiture cases) in which the United States Attorney's Office for the Southern District of New York has appeared as counsel of record for the United States, its agencies, or its employees" until "the business day after the President signs into law a budget appropriation that restores Department of Justice funding." Standing Order M10-468 ("the Standing Order"). As the Court is aware, the United States Attorney's Office for the Southern District of New York has appeared in these MDL proceedings, as counsel of record for the United States and certain of its agencies.

While the PECs certainly do not believe that an omnibus stay of all proceedings in this MDL is necessary, various aspects of the MDL will be impacted by the shutdown and resulting resource and legal limitations imposed on the DOJ and relevant agencies. In this regard, the PECs note that the shutdown has put the FBI document production completely on hold, including the ongoing document review. Plaintiffs understand that prior to the shutdown, the FBI was in the midst of preparing several more tranches of responsive documents for production. In addition to delaying the responses of the agencies to the subpoenas and production of records relevant to the ongoing discovery proceedings for an uncertain time, the shutdown may also make it impossible for plaintiffs to continue to pursue certain necessary and important initiatives, such as the service of subpoenas that might require review by the FBI and/or DOJ prior to issuance. The shutdown may also impact the ability of the parties to proceed with depositions of witnesses whom the PECs may want to show documents from the FBI production. Similarly, we understand that discussions between the

The Honorable Sarah Netburn  
January 4, 2019  
Page 2

---

PECs and DOJ aimed at narrowing the disputes relating to the CIA and Treasury subpoenas, which are relevant to the claims against the non-sovereign defendants and required to bring any disputes to the Court's attention, are being deferred. These are just a few examples.

In order to properly and efficiently disentangle aspects of the MDL that are impacted by the shutdown from those that are not, the PECs respectfully propose that the Court direct the PECs, DOJ, Defendants' Executive Committee, counsel for the Kingdom of Saudi Arabia, and counsel for Dallah Avco to meet and confer by Wednesday January 9, 2019, and to submit a proposal or proposals for modification of the Standing Order by Friday January 11, 2019. Our goal would be to arrive at a joint proposal acceptable to all constituencies, but if that is not possible, to concisely summarize the areas of agreement and disagreement.

Respectfully submitted,

MOTLEY RICE LLC

By: /s/ Robert T. Haefele  
ROBERT T. HAEFELE  
MOTLEY RICE LLC  
28 Bridgeside Boulevard  
Mount Pleasant, SC 29465  
Tel.: (843) 216-9184  
Email: rhaefele@motleyrice.com

*For the Plaintiffs' Exec. Committees*

COZEN O'CONNOR

By: /s/ Sean P. Carter  
SEAN P. CARTER  
COZEN O'CONNOR  
One Liberty Place  
1650 Market Street, Suite 2800  
Philadelphia, Pennsylvania 19103  
Tel.: (215) 665-2105  
Email: scarter@cozen.com

*For the Plaintiffs' Exec. Committees*

KREINDLER & KREINDLER LLP

By: /s/ James P. Kreindler  
JAMES P. KREINDLER  
KREINDLER & KREINDLER LLP  
750 Third Avenue  
New York, New York 10017  
Tel.: 212-687-8181  
Email: jkreindler@kreindler.com

*For the Plaintiffs' Exec. Committees*

cc: The Honorable George B. Daniels, via ECF  
All Counsel of Record via ECF